

Reply to Office Action of May 6, 2010

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-16 and 18-48 are pending in the application, with claims 1, 15, 30, and 34-36 being the independent claims. Claims 1, 15, 30, 34-36, and 39-44 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Interview Held January 21, 2010***

Regarding the Examiner's notes on the interview held January 21, 2010 (Office Action, p. 2), Applicant had understood that the arguments presented in the Reply dated January 27, 2010, with amendments to address the rejection under 35 U.S.C. § 112, would be sufficient to overcome the rejections. Nevertheless, in order to advance prosecution, Applicant presented several dependent claims incorporating the Examiner's suggestions regarding the approval process (e.g., claims 39-44).

The Examiner is invited to contact the undersigned if any further amendment is believed to be helpful in preparing the claims for allowance.

***Rejections under 35 U.S.C. § 101***

The Examiner has rejected claims 15, 16, 18-29, and 35 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 15 and 35 have been

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amended to recite “an access server *device*,” thereby clearly reciting statutory subject matter. Claims 16 and 18-29 depend from claim 15, and likewise recite statutory subject matter for at least the same reasons as claim 15, and further in view of their own respective features.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 15, 16, 18-29, and 35 under 35 U.S.C. § 101.

***Rejections under 35 U.S.C. § 103***

**Claims 1, 4, 15, 30, 37, 38, 45, and 46**

The Examiner has rejected claims 1, 4, 15, 30, 37, 38, 45, and 46 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,754,665 to Futagami et al. (“Futagami”) in view of U.S. Patent Application Publication No. 2002/0156726 to Kleckner et al. (“Kleckner”), further in view of U.S. Patent Application Publication No. 2002/0062240 to Morinville (“Morinville”). Applicant respectfully traverses.

Claim 1 as amended recites, *inter alia*, “the security change being used for determining access rights comprising permission to retrieve and to *receive* an electronic file from within a secure file store.” Kleckner and Morinville do not teach or suggest at least this feature of claim 1. Instead, the Examiner relies on Futagami as allegedly supplying the missing teaching or suggestion.

In the Examiner’s Response to Arguments (sec. 5, “Prior Art Rejections”), the Examiner argues that “Futagami teaches providing personal information contained within a file, then Futagami teaches retrieving the file itself.” (Office Action, p. 4). In order to clarify the distinction, Applicant has amended claim 1 to recite that the access

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rights comprises permission to “retrieve and to *receive* an electronic file from within a secure file store.” Even assuming, *arguendo*, that providing personal information contained within a file teaches retrieving the file itself (based on access rights comprising permission to do so), nowhere does Futagami also teach or suggest “access rights comprising permission to retrieve and *to receive*” the electronic file from within a secure file store, as recited in claim 1.

In particular, Futagami states that “the *personal information* retrieved in step S61 is transmitted to the client terminal which has issued the retrieval request.” (Futagami, 16:59-61). As a result, even assuming, *arguendo*, that a request for personal information in Futagami requires a retrieval of an electronic file from within a secure file store, nowhere does Futagami teach or suggest permission “to *receive* an electronic file *from within a secure file store*,” but rather only personal information and not the file in which it may have been stored (to which Applicant does not acquiesce).

Similarly, the Examiner argues that if “vCard is a file, it is not clear why the vCard file is not an “electronic card from within a secure file store.” (Office Action, pp. 4-5). Even if a vCard is a file, a distinction between Futagami and claim 1 is evident in that nowhere does Futagami disclose the ability “to *receive* an electronic file (e.g., *arguendo*, the vCard) *from within a secure file store*.” Futagami does not disclose storing vCards and then retrieving them and sending them to a user requesting personal information, as the Examiner appears to understand. Instead, Futagami merely describes the function of sending the personal information retrieved in step S61 in the form of a vCard. (Futagami, 18:8-25). Nowhere, however, does Futagami teach or suggest that

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the vCard itself, for example, is the format retrieved and *received* from a “secure file store,” only describing throughout the retrieval of *personal information*.

Consider, by way of example and not limitation, the fundamental difference between obtaining “permission to retrieve and to *receive* an electronic file from within a secure file store” contrasted with the behavior of Futagami, where some personal information is obtained from, *arguendo*, a secure file store, and is then placed into a file format, such as a vCard, for sending to the requester. The vCard in Futagami was never present within a secure file store, so it is not being received “from within a secure file store.” No such electronic file is present in the whole of Futagami that is present “within a secure file store” and is simultaneously what may be retrieved and received based on permissions.

For at least the foregoing reasons, claim 1 is not rendered obvious by the combination of Futagami, Kleckner, and Morinville. Claims 15 and 30 recite analogous features to claim 1, using respective language (although claims 1, 15, and 30 have different scope), and are also not rendered obvious by the combination of Futagami, Kleckner, and Morinville. Claims 4, 37, 38, and 45 depend from claim 1, and are also not rendered obvious by the combination of Futagami, Kleckner, and Morinville for at least the same reasons as claim 1, and further in view of their own respective features. Claim 46 depends from claim 30, and is also not rendered obvious by the combination of Futagami, Kleckner, and Morinville for at least the same reasons as claim 30, and further in view of its own respective features.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 4, 15, 30, 37, 38, 45, and 46 under 35 U.S.C. § 103(a).

**Claims 2, 3, 5-14, 16, 18-29, 31-36, 47, and 48**

The Examiner has rejected claims 2, 3, 5-14, 16, 18-29, 31-36, 47, and 48 under 35 U.S.C. § 103(a) as allegedly being obvious over Futagami, Kleckner, and Morinville, further in view of U.S. Patent No. 7,131,071 to Gune et al. (“Gune”). Applicant respectfully traverses.

As stated above with regard to independent claims 1, 15, and 30, the combination of Futagami, Kleckner, and Morinville does not teach or suggest each and every feature of the aforementioned independent claims. Gune does not supply the missing teaching or suggestion with respect to at least the above-noted distinguishing features of these claims. Thus, Gune fails to cure the deficiencies of Futagami, Kleckner, and Morinville, as noted above with regard to claims 1, 15, and 30. Accordingly, claims 1, 15, and 30 are not rendered obvious by the combination of Futagami, Kleckner, Morinville, and Gune.

Claims 2, 3, 5-14, 16, 18-29, and 31-33 are not rendered obvious by the combination of Futagami, Kleckner, Morinville, and Gune for at least the same reasons as claims 1, 15, and 30, from which they depend, and further in view of their own respective features.

Also, independent claims 34-36 similarly recite, using respective language, determining “permission to retrieve and *receive* the electronic file from within a secure file store,” as recited, using respective language, in claims 1, 15, and 30. Claims 34-36 are therefore also not rendered obvious by Futagami, Kleckner, Morinville, and Gune for similar reasons as independent claims 1, 15, and 30, and further in view of their

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additional distinguishing features. Claims 47 and 48 depend from claims 34 and 36, respectively, and are likewise not rendered obvious by Futagami, Kleckner, Morinville, and Gune for at least the same reasons as claims 34 and 36, and further in view of their own respective features.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 2, 3, 5-14, 16, 18-29, 31-36, 47, and 48 under 35 U.S.C. § 103(a).

#### **Claims 39-44**

The Examiner has rejected claims 39-44 under 35 U.S.C. § 103(a) as allegedly being obvious over Futagami, Kleckner, Morinville, and Gune. Applicant respectfully traverses.

Claim 39 recites, *inter alia*, “determining, for at least one response received from the approvers, ***whether it remains possible for a quorum of the approvers to approve the requested security change.***” The Examiner argues that “a meaning of quorum, as defined by online Merriam-Webster dictionary is a select group of people.” (Office Action, p. 6). Applicant notes that the online Merriam-Webster dictionary also provides the definition of “the number (as a majority) of officers or members of a body that when duly assembled is legally competent to transact business.” This definition is presented by way of example, and not limitation.

However, the breadth of the Examiner’s definition (“a select group of people”) is incompatible with the usage of “quorum” in the Specification. “During patent examination, the pending claims must be ‘given their broadest reasonable interpretation

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*consistent with the specification.*” (M.P.E.P. § 2111 (citing *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005))) (emphasis added).

Notably, the Specification provides an example of “if an approver set has five approvers and *requires a quorum of three*, then if responses from three approvers have already denied approval, then approval by a *quorum* of approvers is no longer possible.” (U.S. Patent Application Publication No. 2005/0086531 at para. [0051]). As a result, the word “quorum,” in usage “consistent with the specification,” would not be reasonably interpreted simply as “a select group of people” as alleged by the Examiner. Instead, a quorum, as would be reasonably understood by one skilled in the relevant arts, is likely more akin (although not necessarily limited to) “the number of officers or members of a body that when duly assembled is legally competent to transact business,” but is not specifically a majority or any other fixed quantity.

The Examiner bases the rejection on the argument that “Kleckner teaches the use of a quorum, by teaching a *group* of approvers (more than one approver).” However, Kleckner does not teach or suggest a “quorum” of the proper scope based on the above arguments.

Additionally, claim 39 has been amended to clarify “whether it *remains* possible for a quorum of the approvers to approve the requested security change.” As a result, even assuming, *arguendo*, to which Applicant does not acquiesce, that Kleckner provides for the use of a plurality of approvers to change a security policy, nowhere does Kleckner discuss a determination as to whether it “remains possible for a quorum of the approvers to approve” the change, as such determination would find no basis in Kleckner on which to operate.

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Accordingly, for at least the aforementioned reasons, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 39-44 under 35 U.S.C. § 103(a).


***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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